

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD J. SHIPLEY,

Defendant.

Case Nos. 2:00-CR-00051-KJD-PAL
2:03-CV-01407-KJD-PAL

ORDER

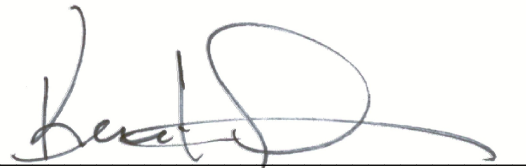
Presently, the Court has before it Movant Shipley's Notice of Appeal and Request for Certificate of Appealability (#114). A movant must obtain a certificate of appealability ("COA") in order to appeal a final order denying a habeas corpus petition. See 28 U.S.C. § 2253(c)(1)(A). A district court may issue a COA when "the applicant has made a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2); United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997). To obtain a COA, a movant must meet the "substantial showing" standard with respect to each issue he or she seeks to raise on appeal. See 28 U.S.C. § 2253(c)(3); Lambright v. Stewart, 220 F.3d 1022, 1024 (9th Cir. 2000). When the court has denied a movant's habeas claims on the merits, the movant must demonstrate that reasonable jurists would find the district court's assessment of the claims debatable or wrong. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). However, when a district court has denied a petitioner's habeas claims solely on procedural grounds, a COA should issue if:

1 (1) jurists of reason would find it debatable whether the petition states a valid claim of denial of a
2 constitutional right; and (2) jurists of reason would find it debatable whether the district court was
3 correct in the procedural ruling. See id. at 484. In the case of dismissal on procedural grounds, the
4 court may address either of these two components first when assessing a request for a COA. See id.
5 at 485. The district court must either issue a certificate of appealability or state why a certificate
6 should not issue. See Fed. R. App. P. 22(b)(1).

7 Movant fails to designate which issues he seeks a certificate of appealability. Moreover,
8 Movant has failed to demonstrate that reasonable jurists would find the Court's assessment of his
9 claims debatable or wrong. For the reasons stated in the Court's Order (#111) entered on June 7,
10 2006, Movant cannot demonstrate that jurists of reasons would find the district court's assessment of
11 the claims debatable or wrong.

12 Accordingly, IT IS HEREBY ORDERED that Movant's Request for Certificate of
13 Appealability is **DENIED**.

14 DATED this 12th day of February 2007.

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18 Kent J. Dawson
19 United States District Judge
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